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THE
PROCEEDINGS
Of the House of
COMMONS,
At OXFORD.

Lun. 21^o die Martii, 168^o.

THE House being met, there came a Message from the King, which was delivered by *Thomas Duppa*, Esq; Deputy Gentleman-Usher of the *Black Rod*.

Gentlemen of the House of Commons,

The King Commands this Honourable House to attend him immediately in the House of Peers.

And accordingly the House went up to attend his Majesty, who was pleased (after having made a Speech) to Command the Commons to return to their House, and proceed to the choice of their *Speaker*.

And the House having returned from his Majesty, *William Williams* Esq; Speaker of the last Parliament, was unanimously chosen by the House for their Speaker in this Parliament, and Conducted to the Chair by two of the Members, and there in a Speech accepted the Service of the House; which Speech was as follows.

Gentlemen,

IT were vanity in me by Arguments from Weakness and Unfitness to disabie my self for your Service in this Chair at this Time.

The Unanimous Voice of the House calling me to this Place enclodes me, and leaves me without excuse: Whom the Commons have Elected for this Trust, is to be supposed worthy and fit for it; wherefore I must acquiesce in your Commands.

Apprehending this Choice proceeds from the Example you have from your Countries by your own Elections, making this Parliament, as much as in you and them lies, the same with the last; therefore you have the same Speaker.

I ought not to offer any sort of Assurance to this House of my resolved Constancy, Fidelity and Vigilancy in the discharge of this Duty; the Just sense I have of the Honour generally given me this day is your stipulation for my good Abearance; the Trust I owe and am to answer to God, my Religion, to *England* and *English-men* in this Service, must tye me to do and suffer all that Flesh and Blood can add or endure in your Choice.

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This

This is not the time to speak much, but to act well: Without more words then, in order to our proper Parliamentary Method of Proceedings, Gentlemen, admit me to make it my first Motion, That your Debates and Proceedings may be regular and orderly, without Reflection, without Passion, and that my Actings and Behaviour may have your kind and candid Construction; and you shall find there is not any thing so dear to me, which shall not be advanced in the Service of the Commons in Parliament by me.

The House being informed that his Majesty had appointed to morrow Three of the Clock in the Afternoon, for the House to present the Speaker.

Martis 22^o die Martii, 168^o.

THe House being met, and Mr. *Speaker* having taken the Chair, A Message was delivered from the King, by *Thomas Duppa*, Esq; Deputy Gentleman-Usher of the *Black Rod*.

Gentlemen of the House of Commons,

The King Commands this Honourable House to Attend Him immediately in the House of Peers.

And accordingly Mr. *Speaker* with the House went up to attend His Majesty, and Mr. *Speaker* with a Speech, humbly represented to His Majesty, That the House of Commons had Chosen him their *Speaker*; and he made Claim by humble Address to His Majesty in the Name of the Commons of *England* in Parliament Assembled, of the Antient Rights of the Commons for them and their Servants, in their Persons and Estates, to be free from Arrests and other Disturbances, in all their Debates to have Liberty and Freedom of Speech, and as occasion shall require, to have Access to His Majesties Royal Person. Which Speeches at large are here inserted together with the Chancellors Answers by His Majesties Command.

May it please Your Majesty,

THE Knights, Citizens and Burgesses in Parliament Assembled, with Duty and Loyalty agreeable to themselves and the Persons whom they Represent, have in Obedience to Your Royal Pleasure, for the disposing of themselves in that great Assembly for Your Majesties Service, considered of a *Speaker*; and to manifest to Your Majesty and the World they are not inclinable to Changes, have with One Voice Elected me their *Speaker*, having had the Honour to serve Your Majesty and the Commons in that Trust in the last *Parliament*.

With all *Humility* I presume again by their Commands to stand before Your Majesty to receive Your Pleasure with a Head and Heart full of Loyalty to Your Sacred Person; armed with a settled Resolution never to depart from Your Well, Ancient and Established Government.

The

*The Lord Chancellor by His Majesty's Command
said to this purpose.*

Mr. Speaker,

FOR so I am commanded to call you, *His Majesty* hath well considered the Choice the Commons have made, and does very much approve of that Election, and doth accept and allow you for Speaker.

*The further Speech of Will. Williams, Esq; then
presented to His most Excellent Majesty.*

Most Gracious Sovereign,

NATURAL Allegiance commands Loyalty to Your Majesty from every Subject.

Your singular Grace and Favour to me in the last Parliament, continued by the honour I have in this, add more than Dutifulness and Obedience to my Loyalty.

I am set in the first station of your Commons for Trust and Quality, an high and slippery place; it requires a steddy head and well pois'd Body in him that will stand firm there. Uprightness is the safe posture and best policy, and shall be mine in this place, guarded with this Opinion, that Your Majesty's service in this Trust is one and the same with the service of your Commons, and that they are no more to be divided than your Crown and Sceptre.

They truly serve the Crown and Countrey, (which shall be my care and industry) who make the safety of your Sacred Person, the defence and security of the Protestant Religion, the support of Your Majesty's Government, the maintainance of the Laws, and preservation of the ancient Constitutions of Parliament; one and the same undivided Interest, one and the same Safety, one and the same inseparable Security for your Self and People.

These are the desires of all good men; but must be the effects of good Counsels for the enabling of Your Majesty's great Council now in Parliament assembled, to complete this blessed Establishment with all humility. I address to Your Majesty in the name and on the behalf of the Commons in Parliament.

1. That we and our Servants may be free in our Persons and Estates from Arrests and other disturbances.
2. That in our Debates Liberty and Freedom of Speech be allow'd us.
3. That as occasion shall require, Your Majesty will vouchsafe us Access to your Royal Person.

I take leave to joyn this humble Petition for my self, That nothing by me, in weakness or through inadvertency, said or done, may turn to the prejudice of the Commons; and that my Behaviour and Proceedings may receive a benign and favourable interpretation with Your Gracious Majesty.

The

The Lord Chancellour, by Command from His Majesty, said to this effect.

Mr. Speaker,

ALL your Petitions are fully and freely granted by his Majesty, in as large and in as ample a manner as ever any *House of Commons* yet enjoyed them. The King is very sure the Wisdom of this *House of Commons* will make as prudent an use of them, as any of your Ancestors ever did. Your own particular Petition is grateful to the King too, because he knows you will be as careful to avoid mistakes, as his Majesty is ready to forgive them.

And now, *Mr. Speaker*, these Preliminaries being thus over, the King desires you would hasten to the rest that are necessary to be dispatch'd, before we can enter upon business, that so we may husband time, which is now more necessary than ever; and he hopes that this Parliament will come to a very happy and prosperous Conclusion. And that it may do so, God Almighty direct and prosper all your Consultations.

The *House* being returned, and *Mr. Speaker* having taken the Chair and made Report thereof to the *House*,

The House adjourn'd,

Mercurii 23^o die Martii, 168^o.

THE *House* being met, proceeded to the taking the Oaths of Allegiance and Supremacy, and making and subscribing the Declaration directed by an Act made in the thirtieth year of his now Majesty's Reign, entituled, *An Act for the more effectual preserving the Kings Person and Government, by disabling Papists from sitting in either House of Parliament.*

And *Mr. Speaker* and a great number of the Members of the *House* having taken the said Oaths, and made and subscribed the said Declaration,

The House adjourn'd.

Febris 24 die Martii, 1680.

A Bill to correct vexatious Actions of Trespasse was read the first time.
Resolved, That the Bill be read a second time.

Ordered, That where there is any double Returns of Members to serve in this present Parliament, such Members do forbear to sit untill the said Returns be decided.

A Petition of *Richard Dake*, Esq; touching the Election for the Burrough of *Ashburton* in the County of *Devon*.

A Petition of the Burgesses and Inhabitants of the Burrough of *Southwark* in the County of *Surrey*, touching the Election for the said Burrough.

A Petition of *Sir Richard Stevens* Knight, touching the Election for the Burrough of *Perisnouth* in the County of *Southampton*.

A Petition of *Sir Peter Tyrrel* Baronet, and *Charles Blount* Esq; touching the Election for the Burrough of *Buckingham* in the County of *Bucks*.

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A Petition of *Denzel Ouslow* and *Francis Darrington* Esquires, touching the Election for the Burrough of *Haslemere* in the County of *Surrey*.

A Petition of *Humphrey Burlace* and *Nicholas Burlace* Esquires, touching the Election for the Burrough of *Mitchell* in the County of *Cornwall*.

A Petition of *Francis Paulttt* Esq; and *Sir Robert Henley* Knight, touching the Election for the Burrough of *Andover* in the County of *Southampton*.

A Petition of *Sir Roger Hill* Knight, touching the Election for the Burrough of *Agmondesham* in the County of *Bucks*.

A Petition of *Algernon Sidney* Esq; touching the same Election.

A Petition of *Edward Hungerford* and *John Eyles* Esquires, touching the Election for the Burrough of *Devises* in the County of *Wilts*.

A Petition of *John Turton* Esq; touching the Election for the Burrough of *Tamworth* in the Counties of *Warwick* and *Stafford*.

A Petition of *George Rodney Bridges* Esq; touching the Election for the City of *Litchfield*.

A Petition of *Thomas Hooper* Esq; touching the Election for the Burrough of *Christchurch* in the Burrough of *Southampton*.

A Petition of *Humphrey Courtney* and *Thomas Kendall* Esquires, touching the Election for the Burrough of *Weslow* in the County of *Cornwall*.

A Petition of *Sir John Duncombe* Knight, and *George Walsh* Esq; touching the Election for the Burrough of *Eye* in the County of *Suffolk*.

A Petition of *Samuel Rolls* and *James Vernon* Esquires, touching the Election for the Burrough of *Penryn* in the County of *Cornwall*.

A Petition of *Sir John Trevor* Knight, touching the Election for the Shire Town of *Montgomery*.

A Petition of *Thomas Neal* and *John Garrard* Esquires, touching the Election for the Burrough of *Ludgarshall* in the County of *Wilts*.

A Petition of *Sir John Talbot* Knight, and *John Smith* Esquire, touching the same Election.

A Petition of *William Strode* and *John Speke* Esquires, touching the Election for the Burrough of *Ikester* in the County of *Somerset*.

A Petition of *Sir Robert Henley* Baronet, touching the Election for the Burrough of *Bridport* in the County of *Dorset* was read.

Ordered,

That the said several Petitions be referred to the consideration of the Committee of Elections and Privileges, to examine the matter thereof, and to report the same with their Opinion therein to this House.

A Petition of *Sir Robert Atkins* Knight of the Bath, *Sir John Knight* Knight, and other Burgesses and Freeholders of the City of *Bristol*, touching the Election for the said City was read.

Ordered, That the matter of this Petition be heard at the Bar of this House on next Monday sevensnight.

A Petition of *Richard Middleton* Esq; touching the Election for the County of *Denbigh* was read.

Ordered, That the Merits of this Petition be heard at the Bar of this House next Wednesday sevensnight.

A Petition of *Thomas Harris* Esq; touching the Election for the City of *Worcester* was read.

Ordered, That the Merits of this Petition be heard at the Bar of this House upon the Debate on next Monday fortnight.

A Petition of the Citizens and Freemen of the City of *Exon*, touching the Election for the said City was read.

Ordered, That the matter of this Petition be heard at the Bar of this House next Monday three weeks.

William Levison Gore being elected and returned to serve in this present Parliament, as one of the Knights for the County of *Salop*; and also a Burgess for the

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Burrough of *Newcastle under Line* in the County of *Stafford*, made his Election to serve for the County of *Salop*.

Ordered, That *Mr. Speaker* do issue out his Warrant to the Clerk of the Crown, to make out a new Writ for the Election of a Burgess to serve in this present Parliament for the Burrough of *Newcastle under Line*, in the room of the said *William Leverson Gore*.

Resolved,

That the Votes and Proceedings of this House be printed, and that the care of the printing thereof, and the appointment of the Printers, be committed to *Mr. Speaker*.

Ordered, That the thanks of this House be given to *Mr. Speaker* for the Speech by him made in the House of Lords, upon his being presented to His Majesty, and that he be desired to print the same.

The House taking notice, that a Bill which passed both Houses the last Parliament, entituled, *An Act for the Repeal of a Statute made in the 35th. year of Queen Elizabeth*, was not presented to His Majesty (as the rest of the Bills were) for his Royal Assent.

Resolved, That this House will to Morrow morning at Ten of the Clock, take into consideration by what means the said Bill miscarried.

Resolved Nemine Contradicente.

That this House will on Saturday morning next, at Ten of the Clock, consider of means for the security of the Protestant Religion, and for the safety of the Kings Person.

Veneris, 25 die Martii, 1681.

A Petition of *Henry Whithead Esq*; Touching the Election for the Burrough of *Stockbridg* in the County of *Souhampton*, was read.

Ordered,

That the said Petition be referr'd to the consideration of the Committee of Elections and Priviledges to examine the Matter thereof, and report the same, with their Opinions therein, to the House.

Ordered,

That *Mr. Hampden*, *Sir Francis Winnington*, &c. or any three of them, do inspect the Journals of the Late Parliaments relating to the Impeachment of *Thomas Earl of Danby*, and do immediately make Report thereof to the House.

A Message from the Lords by *Sir Timothy Baldwin*, and *Sir Edward Low*.

Mr. Speaker,

The Lords have sent you the Answer of *Sir William Scroggs*, Knight, Chief Justice of his Majestie's Court of *Kings Bench*, to the Articles of Impeachment exhibited against him by the Commons in the Late Parliament Assembled; as also a Petition from him to the Lords.

A Petition of *Thomas Wise Esq*; Touching the Election for the Burrough of *Barbury* in the County of *Oxon*, was read.

Ordered,

That the said Petition be referr'd to the consideration of the Committee of Elections and Priviledges, to examine the matter thereof, and report the same, with their Opinions therein, to the House.

A Petition of the Burgeesses of the Burrough of *Marlborough* in the County of *Wilts*. Touching the Election for the said Burrough, was read.

Ordered,

That the said Petition be referr'd to the Consideration of the Committee of Elections and Priviledges to Examine the matter thereof, and Report the same, with their Opinions therein to the House.

A Petition of *Sir Tho. Littleton*, Baronet, and *Tho. Cooke Esq*; Touching the Election for the Borough of *Truro* in the County of *Cornwal*, was Read.

Ordered,

Ordered,

That the said Petition be referr'd to the Consideration of the Committee of Elections and Privileges to Examine the matter thereof, and Report the same, with their Opinions therein, to the House.

Ordered,

That Leave be given to bring in a Bill to take away the Court, holden before the President and Council in the Marches in *Wales*.

It being Represented to this House, by several Members, that many Counties, Cities and Boroughs, have freely without Charge, Elected many of their Members in this present Parliament, according to the antient Constitution of Elections of Members to serve in Parliament.

Wherefore this House doth give their thanks to such Counties, Cities and Burroughs,
for their said Elections.

Ordered,

That a Committee be appointed to consider of a more convenient place in *Oxon*, for the sitting of the Commons in Parliament now Assembled, and to make report thereof to the House.

The House then according to their order, took into consideration the matter relating to the Bill, which passed both Houses in the last Parliament, Entituled, *An Act for the Repeal of a Statute made in the 35. Year of the Reign of Queen Elizabeth*, but was not tender'd to his Majesty for his Royal Assent.

Resolved,

That a Message be sent to the Lords, desiring a Conference with their Lordships, in matters relating to the Constitution of Parliaments, in passing of Bills.

Ordered,

That a Committee be appointed to consider of, and prepare the subject matter to be offer'd at the said Conference.

Mr. Hampden Reports the Proceedings of the late Parliaments, relating to the Impeachment of the Commons of *England*, against the Earl of *Danby*.

Ordered,

That a Message be sent to the Lords, to mind their Lordships, that the Commons in Parliament Assembled, have formerly by their Speaker demanded judgment at the Bar of the Lords House, upon the Impeachment of the Commons, against *Thomas Earl of Danby*, of High Treason, and to desire their Lordships to appoint a Day to give judgment against the said *Thomas Earl of Danby*, upon the said Impeachment, and that the Lord *Cavendish* do go with the said Message.

Sir George Treby acquaints the House, that he, together with Sir Robert Clayton, had taken the Examination of *Edward Fitz-Harris*, relating to the Popish Plot, which he read in his place, and afterwards deliver'd the same in at the Clerk's Table.

Ordered,

That the said Examination be forthwith Printed, which here follows.

*The Examination of Mr. Fitz-Harris, relating to the
Popish Plot, taken March 10. 1681.*

W Ho faith, that he was born in *Ireland*; and is the Son of Sir *Edward Fitz-Harris*; and that he was Bred, and is a *Roman Catholick*: That in One Thousand six hundred sixty two, he went first out of *Ireland*, and then went into *France* to learn the Language as an Accomplishment, being then of the Age of fourteen years.

In One Thousand six hundred sixty five, he returned thence through *England* into *Ireland*, where he continued till about One Thousand six hundred sixty eight when he went to *Frugue* in order to serve the Emperour in his War in *Hungary*, but there then

finding a Peace concluded, he came by the way of *Flanders* into *England*.

And then Sir *George Hamilton* being about Raising a Regiment of Fifteen hundred foot in *Ireland* for the French King's Service; this Examinant obtained from Sir *George Hamilton* a Commission to be Captain of one of the Companies in that Regiment to be Raised. Whereupon he went into *Ireland*, Raised the Company, and conducted them into *France*, and soon after his Landing there, he was reformed and discharged of his said Command; whereupon he went to *Paris*, and having but little money, he lived there difficultly about a year.

In One Thousand six hundred seventy two, going about to take his Leave of Father *Gough* an English Priest at *Paris*, he saith to this purpose;

You are going for *England*; within these two or three years you will see the Catholick Religion Established there as it is in *France*.

The Examinant asking him how that could be, since the King was a Protestant; he answered, if the King would not comply, there was Orders taken and things so laid, that he should be taken off or killed.

That the Duke of *York* was a Catholick, and in his Reign there would be no difficulty of doing it; This Examinant then asking him how long the Duke had been a Catholick; he answered, that the Queen Mother had made him so.

He further said, that the Declaration of Indulgence was in order to that end of introducing the Catholick Religion in *England*.

And that to the same end the War was made against *Holland*, for that *Holland* was a Nest of Hereticks, and if they were destroyed, the Work would be easily done in *England*, because the English (or English Protestants he said) would then have no Assistance from abroad.

And he said that *Madam* came over to *Dover* about this design.

The Examinant coming over about the end of *October*, One Thousand six hundred seventy two, about *February* following had a Commission to be Lieutenants of Captain *Sydenhams* Company in the Duke of *Albemarle's* Regiment, which was then Raised, being one of the Regiments in the Army, which was the Summer following Muster'd at *Black Heath*. And he says, he knew many of the Lieutenant-Colonels, Majors, Captains, and Officers of that Army to be Roman Catholicks.

That afterwards the Act passing to disable Roman Catholicks to bear Office; he and others of them were forc'd to quit their Commands.

And says, that the common Intelligence and Opinion among them was, that that Army was Raised with design to bring in and settle the Roman Catholick Religion in *England*, for which end the Invasion of *Holland*, and the awing of the City of *London*, were fit means.

But the Measures that were thus taken being broken, by means of the Peace; and by the Duke of *York's*, as well as these and other Officers quitting all Commands, and the King failing in the expectations they had from him; the Roman Catholicks that were engaged in this Council came to a resolution to destroy the King, as Father *Parrey*, Confessor to *Don Francisco de Melo*, the Portuguese Ambassador told this Examinant in One Thousand six hundred seventy three.

And said, if all other means failed, the Queen would procure the doing of it.

And he says this Father used this confidence towards him, because he was well acquainted with him, and used to confess to him,

And this Father repeated the same discourse to him in Summer One Thousand six hundred seventy eight, with more assurance; adding then, that the business was now near, and he should soon see it done.

About *April*, One thousand six hundred seventy nine, *Marquess Mounteculy*, Envoy from the Duke of *Modena*, after having sworn him to secrecy, told him, that if he would undertake the killing the King, either in his own Person, or by any other, that he should have Ten Thousand Pounds; which he refusing, the *Marquess* said, if you will not, the Dutches of *Mazarine* understands Poysoning as well as her Sister; and a little Vial, when the King comes there, will do it.

And this Examinant had a great acquaintance with the said *Marquess*, having first met him several times at the Dutches of *Yorks* Chappel, and afterwards, Lett him a house, and sold him the Furniture therein, and has very often eaten, drank, and walk'd with him.

And

And the Marquess at the same time told him, that upon killing the King the Army in *Flanders* and parts adjacent to *France*, was to come over into *England* to destroy the Protestant Party; and that money was levying in *Italy*, to recruit and supply Forces in the place of those that should so come over into *England*.

And that after that time there should be no more Parliaments in *England*; and that the Duke of *York* was privy to all these designs.

That about *April*, One thousand six hundred and eighty, he met *Kelley* the Priest at *Calais*, who there in discourse with him owned, that he was one of the persons concerned in the murder of *Sir Edmundbury Godfrey*, and that the same was done much in manner as *France* had related it.

This *Examinant* hath known *Kelley* about twelve years, in part of which time he has had intimate conversation with him, and hath sometimes confessed to him,

That he hath been acquainted six or seven years with *Monsieur De Pny*, a servant to the Duke of *York*; and that soon after the murder of *Sir Edmundbury Godfrey*, this *De Pny* told this *Examinant*, that that murder was consulted at *Windsor*.

And about the same time said, that the Duke was very desirous to come to the Crown, for that the King was uncertain, and did not keep touch with them. And that *De Pny* said, there was a necessity of taking off the King, and that it would be soon done.

That the Duke of *York* having an Estate in *Ireland*, a part of which was this *Examinant's* Father's, and this *Examinant* being acquainted with Father *Bede'sfield*, asked him, how he could give absolution to the Duke, till he had made Restitution. The Father said, that every Penitent was supposed to know his own sins, and to make them known to his Confessor. To which this *Examinant* replying with some warmth; But since you know it, you ought to take notice thereof. The Father answered, Be not angry, for ere it be long you may be in a better condition.

March One thousand six hundred seventy nine eighty, he went to *Paris* to compound a Debt he owed there; staying there about eight days, where meeting Father *Patrick* (who well knew this *Examinant's* Father and Friends, and this *Examinant*) talking of a Rupture that might be between *England* and *France*, he said the *French* intended in such case to send *Marshal Belfonds* into *Ireland* with an Army of Ten thousand Foot and Two thousand Horse, with Arms and Ammunition for 30000 Men more to be raised in *Ireland*, and the Father promised this *Examinant* a Regiment of the Men so to be Raised, and Armed in *Ireland*, and the Design was to restore that Kingdom to its former Owners, subject to the *French*.

He also desired him to send him all the Libels that came out in *London*; and said, that Libelling the King and the Government, was a thing necessary to be done, in order to distaste the King, and make him afraid and Jelous of his People.

That he knew *Mr. Everard* at *Paris*, in One Thousand six hundred sixty five, and hath since continued and encreased his acquaintance with him; that the opinion of Father *Patrick* was an encouragement to him to correspond and concur with *Mr. Everard*, as to the Libel lately written by *Mr. Everard*.

Cap. 10 Martii,
1681. coram.

ROB. CLAYTON,
GEO. TREBY.

Resolved,

That the same *Edward Fitz-Harris* be impeached of High Treason, in the name of all the Commons of *England*, and that *Mr. Secretary Jenkins* do to Morrow Morning go up and impeach him, at the Bar of the Lords House.

Ordered,

That it be refer'd to *Sir Francis Winnington*, *Sir William Jones*, &c. to draw up and prepare Articles of Impeachment against the said *Edward Fitz-Harris*.

Ordered,

That *Sir George Treby* do to Morrow Morning give the House an account of the Information given by *Mr. Serjeant*, relating to the Popish Plot.

And then the House Adjourned till 8 to Morrow Morning
Sabbati 26. die Martii, 1681.

SIR Robert Howard Reports from the Committee appointed to consider of a more convenient place in *Oxford* for this House to sit in, That the Theatre was the most convenient place they could find for that purpose.

Resolved,

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That

That an humble Address be presented to his Majesty from this House, by such Members thereof as are of His Majesties most Honourable Privy Council, humbly representing to His Majesty the inconvenience of the place where the Commons now Sit in Parliament; And that the House having by a Report from a Committee appointed to consider of a more convenient Place for their Sitting, been informed, that the *Theatre in Oxford* is a more convenient place for their Sitting: Wherefore the Commons Humbly beseech His Majesty to command the *Theatre* may be fitted and prepared for their Sitting there.

Sir *William Jones* reports from the Committee appointed to prepare the Subject matter of the Conference, desired to be had with the Lords in matters relating to the Constitution of Parliament in passing Bills, the matter agreed upon by the said Committee.

Ordered,

That the Lord *Dursey* do immediately go up to the Lords to desire such Conference.

Sir *John Fagg* being returned a Knight of the Shire to serve for the County of *Sussex*, and likewise a Burgess to serve for the Burrough of *Steyning* in the said County, made his Election to serve for the said County.

Ordered,

That Mr. *Speaker* do issue out his Warrant to the Clerk of the Crown to make out a new Writ for the Election of a Burgess to serve in this present Parliament for the said Borough of *Steyning*, in the room of the said Sir *John Fagg*.

A Petition of the Citizens and Inhabitants of *New Sarum*, touching the Election for that City, was read.

Ordered,

That the said Petition be referred to the consideration of the Committee of Elections and Priviledges, to examine the matter thereof, and to report the same, with their Opinions therein, to the House.

Sir *George Treby* reports several Examinations taken from Mr. *John Serjeant* and *David Maurice*, relating to the Popish Plot, which he read in his place, and afterwards delivered the same in at the Clerks Table, where the same being Read,

Ordered,

That the said several Informations be forthwith Printed, which Informations here follow.

The Informations of John Serjeant, and David Maurice, Relating to the POPISH PLOT, &c.

BEING in Company with an *English* Gentlewoman in *Flanders*, who is a *Roman* Catholic, about the later end of *August*, 1679. and the name of Mr. *Gaven*, one of the Five *Jesuits* who suffered that Summer, coming into discourse, she began to express with some horror the Scandal she had received from a wicked piece of Doctrine he maintain'd in her hearing, which was, *That the Queen might Lawfully Kill the King for Violating her Bed*: And, that when she set her self to oppose it as most unchristian Doctrine, and tending to destroy Soul and Body both, and alledg'd, that therefore it was better to suffer it patiently for God's sake, he with much vehemency and earnestness stood to it, *That she might not only lawfully do it, but was bound to it*; and that, *if she did not, she was guilty of his greater Damnation, in letting him continue so long in sin*. This is the substance of what she related, and, as near as I can remember, the words. The Gentlewomans Surname is *Skypwith*, her Christen name (as I remember) *Mary*.

It pleas'd his most Sacred Majesty, to whom (as my Duty bound me) I had writ it before, when I appear'd before his most Honourable Privy Council, the last Day of *October* following, to ask me what were my present thoughts of the truth of that Relation at the time that I heard it, all Circumstances weighed; to which being then upon my Oath, as Truth and Conscience oblig'd me, I answered, *That I did incline very much to believe it*: For which rashness and uncharitableness of mine (as some interpret it) in entertaining that Sentiment so easily upon the Testimony of one single person, great noise has been made against me, as if Passion had byast me to that persuation. Wherefore to clear my Ingenuity and Sincerity in this point to his Majesty and his Council (of whose good Opinions only I am solicitous) I humbly offer here the Reasons which mov'd me to think thus: They are these.

I had particular reason to judge that this person was at this time that I knew her, and she related this, very scrupulously Conscientious, and a good Woman; and I conceiv'd that

that her present disposition was most (and indeed only) to be considered in that present Relation; nor had I ever heard any harm of her former Life.

She seem'd particularly Conscientious in making this Relation, lifting up her hands and eyes to Heaven, with these words; *God knows my heart, I would not say it to gain the whole World, if it were not true.*

I had never heard, nor could then discern that she had the least pique against Mr. Gaven's Order.

She spoke it voluntarily, none inciting or moving her to it.

The manner in which she deliver'd it, seem'd very candid and unaffected; and it came out naturally and occasionally, nor did it at all look like a premeditated or sought thing.

She spoke it out of her sense of the Scandal she received by it, which seem'd a Motive well becoming a good Christian; and so an argument of her sincerity.

She told the same Story the second time to another person, my self present; at least the substance of it.

She never recommended it as a Secret either to him or me, whereas one who forges would be apt to desire the concealment of the false story they relate, lest by discovering it, it may come to be confuted, and themselves shamed; which she had the more reason to fear, because the thing related was of so high a consequence.

She named time, place, and persons present; which expos'd her to an easie confute if it were not true.

The Tenour also of the Discourse seem'd to render it credible, her Objection being such as was likely to come from a good well-meaning person of her pitch; and his Reply abetting it very like a Man wilfully bent to maintain an absurd Position (as is the manner of Passion and Heat) with advancing another more absurd.

Now, as these Considerations inclin'd me strongly to think her sincere, so it seem'd to me she could not be mistaken in the sense of his Discourse, or misunderstand him, the Doctrine being about a matter of Fact of the highest concern in the world; and the words which are apt to express it not being Artificial or Speculative, but natural & common Language. Besides, her Contest with him about it must needs have clear'd his meaning.

These are the Reasons why I apprehended that Relation to be true; which yet I produce not here to Charge Mr. Gaven, but to discharge my own Credit and Conscience, and to give your Majesty and your Council the best light I am able to judge of that business.

In Testimony of what's above, I subscribe my Name, Feb. 11. 1679.

JOHN SERGEANT.

The Information of David Moris.

I Underwritten do hereby upon Oath Attest, that being last August at Brussels, and going to see an old Acquaintance, I found Mr. Serjeant there (little thinking to see him so near the *Internuncio*) he told me, there was a Gentlewoman who said that Mr. Gaven maintained it was lawful for the Queen to kill the King, for violating her Bed: which I hardly believing, he brought me up stairs where she was, where I heard it with my own ears. After some discourse concerning the wickedness of such Doctrines, I asked her, where this hapned? She answered (as I remember) in *Coven-Garden*, at the Brother-in-laws of Mr. Gaven, and named the persons that were present, whom I knew not; nor did I think further of it, more than to admire the indiscretion of his descending to such particulars, and her actings his heat to maintain his Paradox, when she opposed him: The rest, I knew to be agreeable to their Principles; having bought *Escobar* some years since on purpose to see whether the Provincial Letters misrepresented them or not: where I found it lawful to kill a man that calumniated a Religious Order: and I am sure that what makes lawful for a Jesuite to kill a man that wrongs his Order, makes also lawful for a Wife to kill her husband if he wrongs her Bed.

My going to Brussels was to see what became of the benevolence sent by the Pope to those Countreys for refug'd English Catholics; and found, who vow immediate obedience to the Pope to be the distributors, and who swore no Allegiance but to their King, to be debar'd such publick favours: for the English Jesuite Procuratour there, told a worthy Clergy Priest, there was nothing for him, meaning such as he: of which I know no reason, unless it be that the Clergy would never admit of any extraordinary authority from Rome, unanimously agree never to receive any Bulls, or other Orders from Rome, without the Kings Licence, and permission of the State, and ever opposed the deposing Power, Duties which anciently belonged to the Imperial Crown

of

of this Realm, and ought still to be observed by us. Which sufferings of theirs for so good a cause is humbly submitted to your Majesties most gracious consideration.

Feb. 11. 1680.

David Morris.

Th's House having taken into solemn debate and consideration the means for the security of the Protestant Religion, and for Safety of the Kings Person, doth resolve, That a Bill be brought in for excluding *James Duke of York* from Inheriting the Imperial Crowns of *England* and *Ireland*, and the Dominions and Territories thereunto belonging.

Ordered,

That a Committee be appointed to prepare and draw up the said Bill, and it is referred to Sir *William Jones*, &c. Adjourned to 5 of the Clock Post Meridiem.

Sabbati 26. Martii, Post Meridiem

THE House being informed, That the Lords had refused to proceed upon the Impeachment of the Commons against *Edward Fitz-Harris*, and had directed that he should be proceeded against at the Common-Law, and a Debate arising in the House thereupon.

Resolved,

That it is the undoubted Right of the Commons in Parliament assembled, to impeach before the Lords in Parliament any Peer or Commoner for Treason, or any other Crime or Misdemeanour: And that the Refusal of the Lords to proceed in Parliament upon such Impeachment, is a Denial of Justice, and a Violation of the Constitution of Parliaments.

Resolved,

That in the case of *Edward Fitz-Harris*, who by the Commons has been Impeached for high Treason before the Lords, with a Declaration, That in convenient time they would bring up the Articles against him; for the Lords to Resolve, that the said *Fitz-Harris* should be proceeded with according to the course of Common Law, and not by way of Impeachment in Parliament, at this time, is a Denial of Justice, and a Violation of the Constitution of Parliaments, and an Obstruction to the further discovery of the Popish Plot, and of great danger to his Majesties Person, and the Protestant Religion.

Resolved,

That for any inferior Court to proceed against *Edward Fitz-Harris*, or any other Person lying under an Impeachment in Parliament, for the same Crimes for which he or they stand Impeached, is an high Breach of the Privilege of Parliament.

Ordered, That a Bill or Bills be brought in for the better Uniting of all his Majesties Protestant Subjects.

Ordered,

That a Bill be brought in for Banishing the most Considerable Papists of *England*, one of His Majesties Dominions by their Names.

Adjourned, &c.

Luna 21. die Martii, 1681.

A Petition of Sir *John Sidnam*, touching the Election of a Knight to serve in this present Parliament for the County of *Somerset* was read.

Ordered,

That the said petition be referred to the Consideration of the Committee of Elections and Privileges.

Ordered,

That Mr. Speaker do issue out his Warrant for sending for Persons, Papers and Records, in such Elections, as are appointed to be heard at the Bar of the House.

A Petition of *Edward Noseworthy Esq;* touching the Election for *Leskaid* was read, and referr'd to the Committee of Elections and Privileges.

Ordered,

That every Knight of the Shire do pay ten Shillings, and every Citizen and Burge's five Shillings to be distributed amongst the Officers attending the House.

A Bill for Excluding *James Duke of York*, to Inherit the Imperial Crown of *England*, and the Dominions and Territories thereunto belonging.

Ordered,

That the Bill be read a Second time to Morrow Morning at Ten of the Clock in a full House.

A Message from His Majesty by Mr. *Edward Duppa*, Deputy-Usher of the Black-Rod.

Mr. Speaker,

The King Commands this honourable House to attend Him immediately in the House of Peers.

And accordingly Mr. Speaker with the House went up to attend His Majesty, where His Majesty was pleased to Dissolve this present Parliament.